IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 384 of 2005

OM PRAKASH

V/S

MANGI LAL

Mr. RK THANVI, for the appellant / petitioner

Mr. ARUN BHANSALI, for the respondent

Date of Order : 4.12.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

Both the courts below have decreed the suit for eviction on the ground that nuisance and denial of the title by the defendant.

I have gone through the record also, in my view the findings are not satisfactorily shown to have been vitiated on any of the ground available under Section 100 CPC. The appeal thus has no force, and is dismissed summarily.

At this stage, learned counsel for the appellant prayed for being granted some reasonable time. With the consent of the learned counsel for the respondent, appellant is granted 1½ years' time to vacate the suit premises on the condition that the defendant gives an undertaking before the learned trial court within one month

from today that on or before the expiry of the above period, he will peacefully hand over the vacant possession of the suit premises to the plaintiff and that during this period, he will not, in any manner, transfer the possession of the suit premises to anybody. Likewise, the entire decretal amount, so also all arrears of rent, if any, shall be deposited by the appellant in the trial court within one month from today and shall further continue to deposit amount equal to the monthly rent by way of damages for use and occupation by 15th of each succeeding month, till the actual delivery of possession. In case the appellant fails to comply with any of the above conditions, the respondent will become automatically entitled to execute the decree forthwith.

(N P GUPTA),J.

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